

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 243

HOUSE BILL 2500

AN ACT

AMENDING SECTIONS 11-483 AND 11-484, ARIZONA REVISED STATUTES; RELATING TO
COUNTY RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-483, Arizona Revised Statutes, is amended to
3 read:

4 11-483. Records maintained by county recorder; confidentiality;
5 definitions

6 A. Notwithstanding any other provision of this article, in ~~counties~~
7 ~~with a population of more than five hundred thousand persons~~ ANY COUNTY a
8 peace officer, justice, judge, commissioner, public defender or prosecutor
9 may request that the general public be prohibited from accessing the unique
10 identifier and the recording date contained in indexes of recorded
11 instruments maintained by the county recorder and may request the recorder to
12 prohibit access to that person's residential address and telephone number
13 contained in instruments or writings recorded by the county recorder and made
14 available on the internet.

15 B. A peace officer, justice, judge, commissioner, public defender or
16 prosecutor may request this action by filing an affidavit that states all of
17 the following on an application form developed by the administrative office
18 of the courts in agreement with an association of counties, an organization
19 of peace officers and the motor vehicle division of the department of
20 transportation:

21 1. The person's full legal name and residential address.

22 2. The full legal description and parcel number of the person's
23 property.

24 3. The position the person currently holds and a description of the
25 person's duties.

26 4. The reasons the person reasonably believes that the person's life
27 or safety or that of another person is in danger and that restricting access
28 pursuant to this section will serve to reduce the danger.

29 5. The document locator number and recording date of each instrument
30 for which the person requests access restriction pursuant to this section.

31 6. A copy of pages from each instrument that includes the document
32 locator number and the person's full legal name and residential address or
33 full legal name and telephone number.

34 C. If a peace officer, public defender or prosecutor is also
35 requesting pursuant to section 11-484 that the general public be prohibited
36 from accessing records maintained by the county assessor and county
37 treasurer, the peace officer, public defender or prosecutor may combine the
38 request pursuant to subsection B of this section with the request pursuant to
39 section 11-484 by filing one affidavit with the officer's commanding officer,
40 or with the head of the prosecuting or public defender agency, as applicable,
41 or that person's designee. The affidavit and subsequent action by the
42 appropriate authorities shall meet all of the requirements of this section
43 and section 11-484.

44 D. The affidavit shall be filed with the presiding judge of the
45 superior court in the county in which the affiant resides. To prevent a

1 multiplicity of filings, a peace officer, public defender or prosecutor shall
2 deliver the affidavit to the peace officer's commanding officer, or to the
3 head of the prosecuting or public defender agency, as applicable, or that
4 person's designee, who shall file the affidavits at one time. In the absence
5 of an affidavit that contains a request for immediate action and that is
6 supported by facts justifying an earlier presentation, the commanding
7 officer, or the head of the prosecuting or public defender agency, as
8 applicable, or that person's designee, shall not file affidavits more often
9 than quarterly.

10 E. On receipt of an affidavit or affidavits, the presiding judge of
11 the superior court shall file with the clerk of the superior court a petition
12 on behalf of all requesting affiants. Each affidavit presented shall be
13 attached to the petition. In the absence of an affidavit that contains a
14 request for immediate action and that is supported by facts justifying an
15 earlier consideration, the presiding judge may accumulate affidavits and file
16 a petition at the end of each quarter.

17 F. The presiding judge of the superior court shall review the petition
18 and each attached affidavit to determine whether the action requested by each
19 affiant should be granted. If the presiding judge of the superior court
20 concludes that the action requested by the affiant will reduce a danger to
21 the life or safety of the affiant or another person, the presiding judge of
22 the superior court shall order that the recorder prohibit access for five
23 years to the affiant's residential address and telephone number contained in
24 instruments or writings recorded by the county recorder and made available on
25 the internet. If the presiding judge of the superior court concludes that
26 the affiant or another person is in actual danger of physical harm from a
27 person or persons with whom the affiant has had official dealings and that
28 action pursuant to this section will reduce a danger to the life or safety of
29 the affiant or another person, the presiding judge of the superior court
30 shall order that the general public be prohibited for five years from
31 accessing the unique identifier and the recording date contained in indexes
32 of recorded instruments maintained by the county recorder and identified
33 pursuant to subsection B of this section.

34 G. On motion to the court, if the presiding judge of the superior
35 court concludes that an instrument or writing recorded by the county recorder
36 has been redacted or sealed in error, that the original affiant no longer
37 lives at the address listed in the original affidavit, that the cause for the
38 original affidavit no longer exists or that temporary access to the
39 instrument or writing is needed, the presiding judge may temporarily stay or
40 permanently vacate all or part of the court order prohibiting public access
41 to the recorded instrument or writing.

42 H. On entry of the court order, the clerk of the superior court shall
43 file the court order and a copy of the affidavit required by subsection B of
44 this section with the county recorder. No more than ten days after the date
45 on which the county recorder receives the court order, the county recorder

1 shall restrict access to the information as required by subsection F of this
2 section.

3 I. If the court denies an affiant's request pursuant to this section,
4 the affiant may request a court hearing. The hearing shall be conducted by
5 the court in the county where the petition was filed.

6 J. The recorder shall remove the restrictions on all records
7 restricted pursuant to this section by January 5 in the year after the court
8 order expires.

9 K. To include subsequent recordings in the court order, the peace
10 officer, justice, judge, commissioner, public defender or prosecutor shall
11 present to the county recorder at the time of recordation a certified copy of
12 the court order. The recorder shall ensure that public access shall be
13 restricted pursuant to subsection A of this section.

14 L. This section shall not be interpreted to restrict access to public
15 records for the purposes of perfecting a lien pursuant to title 12, chapter
16 9, article 2.

17 M. This section does not prohibit access to the records of the county
18 recorder by parties to the instrument, a title insurer, a title insurance
19 agent or an escrow agent licensed by the department of insurance or the
20 department of banking.

21 N. For the purposes of this section:

22 1. "Commissioner" means a commissioner of the superior court.

23 2. "Indexes" means only those indexes that are maintained by and
24 located in the office of the county recorder, that are accessed
25 electronically and that contain information beginning from and after January
26 1, 1987.

27 3. "Judge" means a judge of the United States district court, the
28 United States court of appeals, the United States magistrate court, the
29 United States bankruptcy court, the Arizona court of appeals, the superior
30 court or a municipal court.

31 4. "Justice" means a justice of the United States or Arizona supreme
32 court or a justice of the peace.

33 5. "Peace officer" means any person vested by law, or formerly vested
34 by law, with a duty to maintain public order and make arrests.

35 6. "Prosecutor" means a county attorney, a municipal prosecutor, the
36 attorney general or a United States attorney and includes an assistant or
37 deputy United States attorney, county attorney, municipal prosecutor or
38 attorney general.

39 7. "Public defender" means a federal public defender, county public
40 defender, county legal defender or county contract indigent defense counsel
41 and includes an assistant or deputy federal public defender, county public
42 defender or county legal defender.

1 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:

2 11-484. Records maintained by county assessor and county
3 treasurer; redaction; application; definitions

4 A. Notwithstanding any other provision of this article, in ~~counties~~
5 ~~with a population of more than five hundred thousand persons~~ ANY COUNTY a
6 peace officer, justice, judge, commissioner, public defender or prosecutor
7 may request that the general public be prohibited from accessing that
8 person's residential address and telephone number that are contained in
9 instruments, writings and information maintained by the county assessor and
10 the county treasurer.

11 B. A peace officer, justice, judge, commissioner, public defender or
12 prosecutor may request this action by filing an affidavit that states all of
13 the following on an application form developed by the administrative office
14 of the courts in agreement with an association of counties, an organization
15 of peace officers and the motor vehicle division of the department of
16 transportation:

17 1. The person's full legal name and residential address.

18 2. The full legal description and parcel number of the person's
19 property.

20 3. The position the person currently holds and a description of the
21 person's duties.

22 4. The reasons the person reasonably believes that the person's life
23 or safety or that of another person is in danger and that redacting the
24 residential address and telephone number will serve to reduce the danger.

25 C. If a peace officer, public defender or prosecutor is also
26 requesting pursuant to section 11-483 that the general public be prohibited
27 from accessing records maintained by the county recorder, the peace officer,
28 public defender or prosecutor may combine the request pursuant to subsection
29 B of this section with the request pursuant to section 11-483 by filing one
30 affidavit with the officer's commanding officer, or with the head of the
31 prosecuting or public defender agency, as applicable, or that person's
32 designee. The affidavit and subsequent action by the appropriate authorities
33 shall meet all of the requirements of this section and section 11-483.

34 D. The affidavit shall be filed with the presiding judge of the
35 superior court in the county in which the affiant resides. To prevent a
36 multiplicity of filings, a peace officer, public defender or prosecutor shall
37 deliver the affidavit to the peace officer's commanding officer, or to the
38 head of the prosecuting or public defender agency, as applicable, or that
39 person's designee, who shall file the affidavits at one time. In the absence
40 of an affidavit that contains a request for immediate action and that is
41 supported by facts justifying an earlier presentation, the commanding
42 officer, or the head of the prosecuting or public defender agency, as
43 applicable, or that person's designee, shall not file affidavits more often
44 than quarterly.

1 E. On receipt of an affidavit or affidavits, the presiding judge of
2 the superior court shall file with the clerk of the superior court a petition
3 on behalf of all requesting affiants. Each affidavit presented shall be
4 attached to the petition. In the absence of an affidavit that contains a
5 request for immediate action and that is supported by facts justifying an
6 earlier consideration, the presiding judge may accumulate affidavits and file
7 a petition at the end of each quarter.

8 F. The presiding judge of the superior court shall review the petition
9 and each attached affidavit to determine whether the action requested by each
10 affiant should be granted. If the presiding judge of the superior court
11 concludes that the action requested by the affiant will reduce a danger to
12 the life or safety of the affiant or another person, the presiding judge of
13 the superior court shall order the redaction of the affiant's residential
14 address and telephone number that are contained in instruments, writings and
15 information maintained by the county assessor and the county treasurer. The
16 redaction shall be in effect for five years.

17 G. On motion to the court, if the presiding judge of the superior
18 court concludes that an instrument or writing maintained by the county
19 assessor or the county treasurer has been redacted or sealed in error, that
20 the original affiant no longer lives at the address listed in the original
21 affidavit, that the cause for the original affidavit no longer exists or that
22 temporary access to the instrument or writing is needed, the presiding judge
23 may temporarily stay or permanently vacate all or part of the court order
24 prohibiting public access to the instrument or writing.

25 H. On entry of the court order, the clerk of the superior court shall
26 file the court order and a copy of the affidavit required by subsection B of
27 this section with the county assessor and the county treasurer. No more than
28 ten days after the date on which the county assessor and the county treasurer
29 receive the court order, the county assessor and the county treasurer shall
30 restrict access to the information as required by subsection F of this
31 section.

32 I. If the court denies an affiant's request pursuant to this section,
33 the affiant may request a court hearing. The hearing shall be conducted by
34 the court in the county where the petition was filed.

35 J. The county assessor and the county treasurer shall remove the
36 restrictions on all records that are redacted pursuant to this section by
37 January 5 in the year after the court order expires.

38 K. For the purposes of this section:

39 1. "Commissioner" means a commissioner of the superior court.

40 2. "Judge" means a judge of the United States district court, the
41 United States court of appeals, the United States magistrate court, the
42 United States bankruptcy court, the Arizona court of appeals, the superior
43 court or a municipal court.

1 3. "Justice" means a justice of the United States or Arizona supreme
2 court or a justice of the peace.

3 4. "Peace officer" means any person vested by law, or formerly vested
4 by law, with a duty to maintain public order and make arrests.

5 5. "Prosecutor" means a county attorney, a municipal prosecutor, the
6 attorney general or a United States attorney and includes an assistant or
7 deputy United States attorney, county attorney, municipal prosecutor or
8 attorney general.

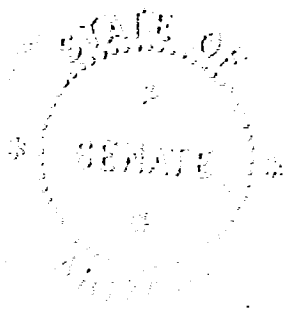
9 6. "Public defender" means a federal public defender, county public
10 defender, county legal defender or county contract indigent defense counsel
11 and includes an assistant or deputy federal public defender, county public
12 defender or county legal defender.

13 Sec. 3. Effective date

14 Sections 11-483 and 11-484, Arizona Revised Statutes, as amended by
15 this act, are effective from and after June 30, 2006.

APPROVED BY THE GOVERNOR MAY 2, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2005.



Passed the House March 14, 2005

Passed the Senate April 18, 2005

by the following vote: 51 Ayes,

by the following vote: 29 Ayes,

5 Nays, 4 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

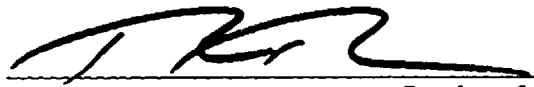
H.B. 2500

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 25, 2005,

by the following vote: 52 Ayes,

0 Nays, 8 Not Voting


Speaker of the House
Cheryl Laube ^{Pro Tempore}
Asst. Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26th day of April, 2005

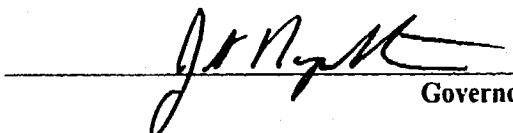
at 8:45 o'clock A. M.


Secretary to the Governor

Approved this 2 day of

May, 2005,

at 1³⁰ o'clock P. M.


Governor of Arizona

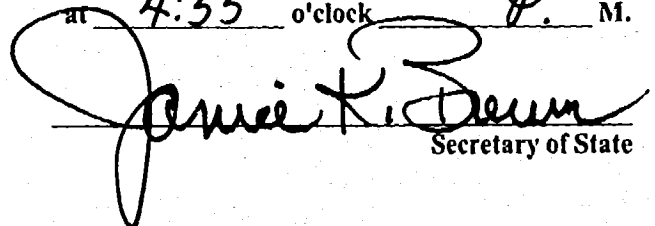
H.B. 2500

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2 day of May, 2005,

at 4:55 o'clock P. M.


Secretary of State